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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1441/2003
of 13 August 2003
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1947/2002 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 14 August 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 August 2003.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 13 August 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	060	56,2
	999	56,2
0709 90 70	052	85,9
	999	85,9
0805 50 10	382	53,3
	388	52,1
	524	46,5
	528	58,0
	999	52,5
0806 10 10	052	116,1
	064	140,1
	400	181,4
	600	129,5
	999	141,8
0808 10 20, 0808 10 50, 0808 10 90	039	65,0
	388	75,3
	400	83,2
	508	76,9
	512	86,3
	528	63,9
	720	47,5
	800	191,4
	804	91,8
	999	86,8
0808 20 50	052	92,0
	388	71,0
	512	54,5
	528	87,4
	800	123,4
	999	85,7
0809 30 10, 0809 30 90	052	120,6
	068	54,1
	094	70,9
	999	81,9
0809 40 05	064	68,8
	066	54,8
	093	63,0
	094	58,0
	624	145,4
	999	78,0

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1442/2003**of 13 August 2003****opening a standing invitation to tender for the resale on the Community market of long-grain B rice from the 1999 harvest held by the Spanish intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 ⁽³⁾ provides, among other things, that paddy rice held by intervention agencies is to be sold by tendering procedure at prices preventing market disturbance.
- (2) Spain still has intervention stocks of long-grain paddy rice B from the 1999 harvest whose quality is in danger of deteriorating as a result of prolonged storage.
- (3) In the present production situation where concessions for rice imports are being granted under international agreements and restrictions are being applied to subsidised exports, disposing of this rice on traditional markets inside the Community would inevitably result in an equivalent quantity being placed in intervention, which must be avoided.
- (4) This rice can be disposed of by processing it into broken rice or into a form suitable for use in animal feed, on certain conditions.
- (5) In order to ensure that the rice really is processed, the procedure should be specially monitored and the successful tenderer should provide a security, to be released on conditions to be laid down.
- (6) The undertakings given by tenderers must be regarded as primary requirements within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁵⁾.
- (7) Commission Regulation (EEC) No 3002/92 ⁽⁶⁾, as last amended by Regulation (EC) No 770/96 ⁽⁷⁾, lays down common detailed rules for verifying the use of products

from intervention. Procedures should also be laid down to ensure the traceability of the products used for animal feed.

- (8) So that the quantities awarded can be managed accurately, an allocation coefficient should be fixed for tenders offering the minimum selling price, while allowing tenderers to specify a minimum quantity awarded below which they do not wish their tender to stand.
- (9) When the Spanish intervention agency notifies the Commission, the tenderers should remain anonymous.
- (10) While respecting the tenderers' anonymity, they should be identified by numbers so that it is evident which have submitted several tenders and what prices they have offered.
- (11) For control purposes, tenders must be traceable by their reference numbers, while safeguarding anonymity.
- (12) With a view to modernising management, the information required by the Commission should be sent by electronic mail.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Spanish intervention agency shall launch a standing invitation to tender for the sale on the internal market of the Community of quantities of long-grain B rice from the 1999 harvest held by it and previously notified to the Commission under Regulation (EC) No 75/91, in particular Articles 2 and 5 thereof, as set out in Annex I hereto, with a view to its processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95 or into a form suitable for use in animal feed (CN code 2309).

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 9, 12.1.1991, p. 15.

⁽⁴⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁵⁾ OJ L 240, 10.9.1999, p. 11.

⁽⁶⁾ OJ L 301, 17.10.1992, p. 17.

⁽⁷⁾ OJ L 104, 27.4.1996, p. 13.

Article 2

1. The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 75/91.

However, as an exception to Article 5 of that Regulation:

- (a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- (b) the minimum sale price shall be set at a level which does not disturb the cereals or rice market.

2. Tenderers shall give the following undertakings,

- (a) regarding the processing into broken rice:
 - that within two months of the date of the award of the contract they will carry out the treatment provided for in Annex II, under the supervision of the competent authorities and at a place determined in agreement with them,
 - that they, including the purchaser in the event of resale, will use the product for which the contract is awarded exclusively in the form of broken rice;
- (b) regarding the processing into a form suitable for use in animal feed:
 - (i) where the tenderers are feed manufacturers:
 - that within two months of the date of the award of the contract they will carry out the treatments described in Annex III or IV, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products,
 - that they will incorporate this product in feed within three months of the date of the award of the contract, except in cases of *force majeure*;
 - (ii) where the tenderers are rice mills:
 - that within two months of the date of the award of the contract they will carry out the treatments described in Annex IV, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products,
 - that they will incorporate this product in feed within four months of the date of the award of the contract, except in cases of *force majeure*;
- (c) that they will bear the costs of the processing and treatment of the products;
- (d) that they will keep stock records demonstrating that they have respected their undertakings.

Article 3

1. At least eight days before the closing date of the first period for the submission of tenders, the Spanish intervention agency shall publish a notice of invitation to tender.

The notice, and any changes to it, shall be forwarded to the Commission before publication.

2. The notice of invitation to tender shall contain:

- (a) the additional clauses and conditions of sale compatible with this Regulation;
- (b) the places of storage and the name and address of the storer;
- (c) the main physical and technological characteristics of the various lots established upon buying in by the intervention agency or during checks carried out subsequently;
- (d) the number of each lot;
- (e) details of the competent authorities responsible for monitoring the operation.

3. The Spanish intervention agency shall take all additional steps necessary to enable the parties concerned to assess the quality of the rice put up for sale before submitting their tenders.

Article 4

1. Tenders shall indicate whether they relate to processing into broken rice or into a form suitable for animal feed.

Tenders shall be valid only if they are accompanied by:

- (a) evidence that the tenderer has lodged a security of EUR 15 per tonne;
- (b) evidence that the tenderer is an animal feed manufacturer or a rice mill;
- (c) a written undertaking by the tenderer to lodge a security for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice not later than two working days after the date of receipt of the notice of award of contract.

2. Once submitted, a tender may not be altered or withdrawn.

3. In case the Commission is required to fix an award coefficient for the quantities offered for sale as provided for in Article 7(2), tenderers should indicate any minimum awarded quantity below which they do not wish their tender to stand.

Article 5

1. The closing date for the submission of tenders for the first partial tendering procedure shall be 26 August 2003 at 12.00 (Brussels time).

2. The closing dates for the submission of tenders for subsequent partial tendering procedures shall be each Tuesday at 12.00 (Brussels time).

3. The closing date for the submission of tenders for the last partial tendering procedure shall be 25 November 2003 at 12.00 (Brussels time).

Tenders must be lodged with the Spanish intervention agency:

Fondo Español de Garantía Agraria (FEGA)

Beneficencia 8

E-28004 Madrid

telex: 23427 FEGA E

fax: (34 91) 521 98 32, (34 91) 522 43 87

Article 6

1. The Spanish intervention agency shall notify the Commission of the information as specified in Annex V, by type of processing, no later than 9.00 (Brussels time) on the Thursday following the expiry of the deadline for the submission of tenders.

2. For each type of processing and for each partial tendering procedure, the tenderers shall be assigned an individual number, starting at 1, by the Spanish intervention agency.

To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

The reference numbers of each tender shall be given by the Spanish intervention agency in such a way as to ensure that the tenderers remain anonymous. For the entire standing tendering procedure, each tender shall be identified by its own reference number.

3. The notification referred to in paragraph 1 shall be made by electronic mail to the address given in Annex V using the form provided to the Spanish intervention agency by the Commission for that purpose.

The notification must be made even if no tenders are submitted, in which case it must state that no tenders have been received within the deadline laid down.

4. The Spanish intervention agency shall also notify the Commission of the information as specified in Annex V for rejected tenders, stating why they were rejected.

Article 7

For each type of processing, the Commission shall set the minimum sale price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders are offering the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

This Decision shall be taken in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

Article 8

The intervention agency shall immediately notify all tenderers of the outcome of their participation in the tendering procedure.

Within three working days of the notification referred to in the first paragraph, it shall send notices of award of contract to successful tenderers by registered letter or written telecommunication.

Article 9

Successful tenderers shall pay for the rice before it is removed, and at the latest within one month of the date of dispatch of the notice referred to in the second paragraph of Article 8. The risks and costs of storing rice which is not removed within the payment period shall be borne by the successful tenderers.

Following the expiry of the payment period, rice for which a contract is awarded and which is not removed shall be regarded for all purposes as having been removed from storage.

Where a successful tenderer fails to pay for the rice within the period referred to in the first paragraph, the contract shall be terminated by the intervention agency, where appropriate in respect of the quantity not paid for.

Article 10

1. The security referred to in Article 4(1)(a) shall be released

(a) in full for the quantities for which:

1. no award is made;
2. the offer does not stand, in accordance with Article 4(3);
3. the sale price is paid within the period set and the security referred to in Article 4(1)(c) has been lodged;

(b) proportionately to the quantity not awarded where an award coefficient is set for the quantities offered in accordance with Article 7(2).

2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is processed in accordance with this Regulation.

However, the security shall be released in full:

(a) on presentation of proof of processing as provided for in Annex II and proof of the undertaking provided for in the second indent of Article 2(2)(a);

(b) on presentation of proof that the treatment referred to in Annex III has been carried out, provided that not less than 95 % of the fine broken grains and/or fragments obtained is used in compound feed;

(c) on presentation of proof that the treatment referred to in Annex IV has been carried out, provided that not less than 95 % of the milled rice obtained is used in compound feed.

3. Proof that the rice has been incorporated in animal feed as referred to in this Regulation shall be provided in accordance with Regulation (EEC) No 3002/92.

Article 11

The obligation set out in Article 2(2) shall be regarded as a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

Article 12

In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall refer, where appropriate, to the undertaking provided for in the second indent of Article 2(2)(a) and bear one or more of the following entries supplemented by the number of Annex II, III or IV, specifying the treatment required:

- Destinados a la transformación prevista en el anexo ... del Reglamento (CE) n° 1442/2003
- Til forarbejdning som fastsat i bilag ... til forordning (EF) nr. 1442/2003
- Zur Verarbeitung gemäß Anhang ... der Verordnung (EG) Nr. 1442/2003 bestimmt
- Προορίζονται για μεταποίηση που προβλέπεται στο παράρτημα ... του κανονισμού (ΕΚ) αριθ. 1442/2003

- For processing provided for in Annex ... to Regulation (EC) No 1442/2003
- Destinés à la transformation prévue à l'annexe ... du règlement (CE) n° 1442/2003
- Destinati alla trasformazione prevista all'allegato ... del regolamento (CE) n. 1442/2003
- Bestemd om te worden verwerkt overeenkomstig bijlage ... van Verordening (EG) nr. 1442/2003
- Para a transformação prevista no anexo ... do Regulamento (CE) n.º 1442/2003
- Tarkoitettu asetuksen (EY) N:o 1442/2003 liitteessä ... säädettyyn jalostukseen
- För bearbetning enligt bilaga ... till förordning (EG) nr 1442/2003.

Article 13

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)		
Place of storage (address)	Place of storage (identification code) ⁽¹⁾	Quantity available
1	2	3
Silo FEGA — 06920 Azuaga (Badajoz)	ES06010	2 586,56
Silo FEGA — 41749 El Cuervo (Sevilla)	ES11011	7 413,44
Total		10 000,00

⁽¹⁾ The national identification code shall be preceded by the ISO code for Spain.

ANNEX II

Treatment indicated in the first indent of Article 2(2)(a)

When the rice is taken over, it must undergo the following treatment:

1. The paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
The wholly milled rice obtained must have the same characteristics and be of the same variety as the rice for which the contract is awarded.
2. All the wholly milled rice obtained must be broken in such a way as to produce at least 95 % broken rice within the meaning of Annex A to Regulation (EC) No 3072/95.

ANNEX III

Treatment indicated in the first indent of Article 2(2)(b)(i)

When the rice is taken over, it must undergo the following treatment:

1. The paddy rice must be husked and broken in such a way as to produce not less than 77 %, by weight of paddy rice, of fine broken grains and/or fragments of husked rice as defined in point C of the Annex to Regulation (EC) No 3073/95.
2. The product obtained after processing (not including the husk) must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX IV

Treatment indicated in the first indent of Article 2(2)(b)(i) and in the first indent of Article 2(2)(b)(ii)

1. The paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
The wholly milled rice obtained must have the same characteristics and be of the same variety as the rice for which the contract is awarded.
2. The product obtained after processing must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX V

Information referred to in Article 6

Type of processing	Tenderer's identification number	Tender price (EUR/t)	Quantity (t)	Minimum quantity (t)	Place of storage	Lot No	Reference number
1	2	3	4	5	6	7	8
(A) broken rice							
(B) form suitable for use in animal feed							

Address for electronic transmission of information in accordance with Article 6:

agri-c2-rice-stocks@cec.eu.int

Explanatory notes:

Column 1: Type of processing: (A): processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95 or (B): processing into a form suitable for use in preparations of a kind used in animal feeding (CN code 2309).

Column 2: tenderers shall be assigned an individual number, starting at 1. To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

Column 3: purchase price offered, expressed in EUR per tonne.

Column 4: tendered quantity, expressed in tonnes.

Column 5: minimum awarded quantity as referred to in Article 4(3), below which the tenderer does not wish the tender to stand.

Column 6: place of storage, identified by the 'identification code' indicated in Annex I.

Column 7: lot number at the place of storage indicated in column 6.

Column 8: reference number of the tender, unique to each tender for the entire standing tendering procedure.

COMMISSION REGULATION (EC) No 1443/2003**of 13 August 2003****opening a standing invitation to tender for the resale on the Community market of rice from the 1999 harvest held by the Italian intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular Article 8(b) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 75/91 ⁽³⁾ provides, among other things, that paddy rice held by intervention agencies is to be sold by tendering procedure at prices preventing market disturbance.
- (2) Italy still has intervention stocks of paddy rice from the 1999 harvest whose quality is in danger of deteriorating as a result of prolonged storage.
- (3) In the present production situation where concessions for rice imports are being granted under international agreements and restrictions are being applied to subsidised exports, disposing of this rice on traditional markets inside the Community would inevitably result in an equivalent quantity being placed in intervention, which must be avoided.
- (4) This rice can be disposed of by processing it into broken rice or into a form suitable for use in animal feed, on certain conditions.
- (5) In order to ensure that the rice really is processed, the procedure should be specially monitored and the successful tenderer should provide a security, to be released on conditions to be laid down.
- (6) The undertakings given by tenderers must be regarded as primary requirements within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁴⁾, as last amended by Regulation (EC) No 1932/1999 ⁽⁵⁾.
- (7) Commission Regulation (EEC) No 3002/92 ⁽⁶⁾, as last amended by Regulation (EC) No 770/96 ⁽⁷⁾, lays down common detailed rules for verifying the use of products

from intervention. Procedures should also be laid down to ensure the traceability of the products used for animal feed.

- (8) So that the quantities awarded can be managed accurately, an allocation coefficient should be fixed for tenders offering the minimum selling price, while allowing tenderers to specify a minimum quantity awarded below which they do not wish their tender to stand.
- (9) When the Italian intervention agency notifies the Commission, the tenderers should remain anonymous.
- (10) While respecting the tenderers' anonymity, they should be identified by numbers so that it is evident which have submitted several tenders and what prices they have offered.
- (11) For control purposes, tenders must be traceable by their reference numbers, while safeguarding anonymity.
- (12) With a view to modernising management, the information required by the Commission should be sent by electronic mail.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall launch a standing invitation to tender for the sale on the internal market of the Community of quantities of rice from the 1999 harvest, held by it and previously notified to the Commission under Regulation (EEC) No 75/91, in particular Articles 2 and 5 thereof, as set out in Annex I hereto, with a view to its processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95, or into a form suitable for use in animal feed (CN code 2309).

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 9, 12.1.1991, p. 15.

⁽⁴⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁵⁾ OJ L 240, 10.9.1999, p. 11.

⁽⁶⁾ OJ L 301, 17.10.1992, p. 17.

⁽⁷⁾ OJ L 104, 27.4.1996, p. 13.

Article 2

1. The sale provided for in Article 1 shall take place in accordance with Regulation (EEC) No 75/91.

However, as an exception to Article 5 of that Regulation:

- (a) tenders shall be drawn up on the basis of the actual quality of the lot to which they apply;
- (b) the minimum sale price shall be set at a level that does not disturb the cereals or rice market.

2. Tenderers shall give the following undertakings:

- (a) regarding processing into broken rice:
 - that within two months of the date of the award of the contract they will carry out the treatment provided for in Annex II, under the supervision of the competent authorities and at a place determined in agreement with them,
 - that they, including the purchaser in the event of resale, will use the products for which the contract is awarded exclusively in the form of broken rice;
- (b) regarding processing into a form suitable for use in animal feed:
 - (i) where the tenderers are feed manufacturers:
 - that within two months of the date of the award of the contract they will carry out the treatments described in Annex III or IV, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products,
 - that they will incorporate this product in feed within three months of the date of the award of the contract, except in cases of *force majeure*;
 - (ii) where the tenderers are rice mills:
 - that within two months of the date of the award of the contract they will carry out the treatments described in Annex IV, under the supervision of the competent authorities and at a place determined in agreement with them, with a view to verifying the use made of the rice and ensuring the traceability of the products,
 - that they will incorporate this product in feed within four months of the date of the award of the contract, except in cases of *force majeure*;
- (c) that they will bear the costs of the processing and treatment of the products;
- (d) that they will keep stock records demonstrating that they have respected their undertakings.

Article 3

1. At least eight days before the closing date of the first period for the submission of tenders, the Italian intervention agency shall publish a notice of invitation to tender.

The notice, and any changes to it, shall be forwarded to the Commission before publication.

2. The notice of invitation to tender shall contain:

- (a) the additional clauses and conditions of sale compatible with this Regulation;
- (b) the places of storage and the name and address of the storer;
- (c) the main physical and technological characteristics of the various lots established upon buying in by the intervention agency or during checks carried out subsequently;
- (d) the number of each lot;
- (e) details of the competent authorities responsible for monitoring the operation.

3. The Italian intervention agency shall take all additional steps necessary to enable the parties concerned to assess the quality of the rice put up for sale before submitting their tenders.

Article 4

1. Tenders shall indicate whether they relate to processing into broken rice or into a form suitable for animal feed.

Tenders shall be valid only if they are accompanied by:

- (a) evidence that the tenderer has lodged a security of EUR 15 per tonne;
 - (b) evidence that the tenderer is an animal feed manufacturer or a rice mill;
 - (c) a written undertaking by the tenderer to lodge a security for an amount equivalent to the difference between the intervention price for paddy rice applicable on the tender date plus EUR 15 and the price tendered per tonne of rice not later than two working days after the date of receipt of the notice of award of contract.
2. Once submitted, a tender may not be altered or withdrawn.
3. In case the Commission is required to fix an award coefficient for the quantities offered for sale as provided for in the second paragraph of Article 7, tenderers should indicate any minimum awarded quantity below which they do not wish their tender to stand.

Article 5

1. The closing date for the submission of tenders for the first partial tendering procedure shall be 26 August 2003 at 12.00 (Brussels time).

2. The closing dates for the submission of tenders for subsequent partial tendering procedures shall be each Tuesday at 12.00 (Brussels time).

3. The closing date for the submission of tenders for the last partial tendering procedure shall be 25 November 2003 at 12.00 (Brussels time).

Tenders must be lodged with the Italian intervention agency:

Ente Nazionale Risi (ENR)
Piazza Pio XI, 1
I-20123 Milano
Telephone (39) 02 885 51 11
Fax (39) 02 86 13 72

Article 6

1. The Italian intervention agency shall notify the Commission of the information as specified in Annex V, by type of processing, no later than 9.00 (Brussels time) on the Thursday following the expiry of the deadline for the submission of tenders.

2. For each type of processing and for each partial tendering procedure, the tenderers shall be assigned an individual number, starting at 1, by the Italian intervention agency.

To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

The reference numbers of each tender shall be given by the Italian intervention agency in such a way as to ensure that the tenderers remain anonymous. For the entire standing tendering procedure, each tender shall be identified by its own reference number.

3. The notification referred to in paragraph 1 shall be made by electronic mail to the address given in Annex V using the form provided to the Italian intervention agency by the Commission for that purpose.

The notification must be made even if no tenders are submitted. In that case, it must state that no tenders have been received within the deadline laid down.

4. The Italian intervention agency shall also notify the Commission of the information as specified in Annex V for rejected tenders, stating why they were rejected.

Article 7

For each type of processing, the Commission shall set the minimum sale price or decide not to award any quantities. In the event that tenders are submitted for the same lot and for a quantity larger than that available, the Commission may fix this price separately for each lot.

Where tenders offer the minimum sale price, the Commission may fix an award coefficient for the quantities offered at the same time as it fixes the minimum sale price.

This Decision shall be taken in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95.

Article 8

The intervention agency shall immediately notify all tenderers of the outcome of their participation in the tendering procedure.

Within three working days of the notification referred to in the first paragraph, it shall send notices of award of contract to successful tenderers by registered letter or written telecommunication.

Article 9

Successful tenderers shall pay for the rice before it is removed, and at the latest within one month of the date of dispatch of the notice referred to in the second paragraph of Article 8. The risks and costs of storing rice that is not removed within the payment period shall be borne by the successful tenderers.

Following the expiry of the payment period, rice for which a contract is awarded and which is not removed shall be regarded for all purposes as having been removed from storage.

Where a successful tenderer fails to pay for the rice within the period referred to in the first paragraph, the contract shall be terminated by the intervention agency, where appropriate in respect of the quantity not paid for.

Article 10

1. The security referred to in Article 4(1)(a) shall be released

(a) in full for the quantities for which:

1. no award is made,
2. the offer does not stand, in accordance with Article 4(3),
3. the sale price is paid within the period set and the security referred to in Article 4(1)(c) has been lodged;

(b) proportionately to the quantity not awarded where an award coefficient is set for the quantities offered in accordance with the second paragraph of Article 7.

2. The security referred to in Article 4(1)(c) shall be released in proportion to the quantities used only if the intervention agency has carried out all the checks necessary to ensure that the product is processed in accordance with this Regulation.

However, the security shall be released in full:

- (a) on presentation of proof of processing as provided for in Annex II and proof of the undertaking provided for in the second indent of Article 2(2)(a);
 - (b) on presentation of proof that the treatment referred to in Annex III has been carried out, provided that not less than 95 % of the fine broken grains or fragments obtained is used in compound feed;
 - (c) on presentation of proof that the treatment referred to in Annex IV has been carried out, provided that not less than 95 % of the milled rice obtained is used in compound feed.
3. Proof that the rice has been incorporated in animal feed as referred to in this Regulation shall be provided in accordance with Regulation (EEC) No 3002/92.

Article 11

The obligation set out in Article 2(2) shall be regarded as a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

Article 12

In addition to the particulars provided for in Regulation (EEC) No 3002/92, box 104 of the control copy T5 shall refer, where appropriate, to the undertaking provided for in the second indent of Article 2(2)(a) and bear one or more of the following entries supplemented by the number of Annex II, III or IV, specifying the treatment required:

- Destinados a la transformación prevista en el anexo ... del Reglamento (CE) n° 1443/2003

- Til forarbejdning som fastsat i bilag ... til forordning (EF) nr. 1443/2003
- Zur Verarbeitung gemäß Anhang ... der Verordnung (EG) Nr. 1443/2003 bestimmt
- Προορίζονται για μεταποίηση που προβλέπεται στο παράρτημα ... του κανονισμού (ΕΚ) αριθ. 1443/2003
- For processing provided for in Annex ... to Regulation (EC) No 1443/2003
- Destinés à la transformation prévue à l'annexe ... du règlement (CE) n° 1443/2003
- Destinati alla trasformazione prevista all'allegato ... del regolamento (CE) n. 1443/2003
- Bestemd om te worden verwerkt overeenkomstig bijlage ... van Verordening (EG) nr. 1443/2003
- Para a transformação prevista no anexo ... do Regulamento (CE) n.º 1443/2003
- Tarkoitettu asetuksen (EY) N:o 1443/2003 liitteessä ... säädettyn jalostukseen
- För bearbetning enligt bilaga ... till förordning (EG) nr 1443/2003.

Article 13

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 August 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)

Place of storage (address)	Place of storage (identification code) ⁽¹⁾	Quantity available
1	2	3
S.S. 10 Padania Inferiore 15 — Vescovato (CR)	IT015300	3 799,920
Via Giuseppina 3 — Sospiro (CR)	IT015200	4 783,000
Via Brede 3 — Martino dall'Argine (MN)	IT015000	6 154,490
Via S. Daniele — Camisano V.no (VI)	IT011600	5 262,590
Total		20 000,000

⁽¹⁾ The national identification code shall be preceded by the ISO code for Italy.

ANNEX II

Treatment indicated in the first indent of Article 2(2)(a)

When the rice is taken over, it must undergo the following treatment.

1. The paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
The wholly milled rice obtained must have the same characteristics and be of the same variety as the rice for which the contract is awarded.
2. All the wholly milled rice obtained must be broken in such a way as to produce at least 95 % broken rice within the meaning of Annex A to Regulation (EC) No 3072/95.

ANNEX III

Treatment indicated in the first indent of Article 2(2)(b)(i)

When the rice is taken over, it must undergo the following treatment.

1. The paddy rice must be husked and broken in such a way as to produce not less than 77 %, by weight of paddy rice, of fine broken grains or fragments of husked rice as defined in point C of the Annex to Regulation (EC) No 3073/95.
2. The product obtained after processing (not including the husk) must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX IV

Treatment indicated in the first indent of Article 2(2)(b)(i) and in the first indent of Article 2(2)(b)(ii)

1. The paddy rice must be milled to give the overall minimum yield and whole grain yield previously determined by the laboratory on a sample removed when the rice for which the contract is awarded was taken over, with a tolerance of plus or minus 1 % applicable to the overall minimum yield and whole grain yield.
The wholly milled rice obtained must have the same characteristics and be of the same variety as the rice for which the contract is awarded.
2. The product obtained after processing must be marked using the colourant E131 patent blue V or E142 acid brilliant green BS (lissamine green) to enable it to be identified.

ANNEX V

Information referred to in Article 6

Type of processing	Tenderer's identification number	Tender price (EUR/t)	Quantity (t)	Minimum quantity (t)	Place of storage	Lot No	Reference number
1	2	3	4	5	6	7	8
(A) broken rice							
(B) form suitable for use in animal feed							

Address for electronic transmission of information in accordance with Article 6:

agri-c2-rice-stocks@cec.eu.int

Explanatory notes:

Column 1: Type of processing: (A): processing into broken rice within the meaning of Annex A to Regulation (EC) No 3072/95 or (B): processing into a form suitable for use in preparations of a kind used in animal feed (CN code 2309).

Column 2: tenderers shall be assigned an individual number, starting at 1. To ensure anonymity, the numbers shall be allocated randomly and separately for each type of processing and each partial tendering procedure.

Column 3: purchase price offered, expressed in EUR per tonne.

Column 4: tendered quantity, expressed in tonnes.

Column 5: minimum awarded quantity as referred to in Article 4(3), below which the tenderer does not wish the tender to stand.

Column 6: place of storage, identified by the identification code indicated in Annex I.

Column 7: lot number at the place of storage indicated in column 6.

Column 8: reference number of the tender, unique to each tender for the entire standing tendering procedure.

COMMISSION REGULATION (EC) No 1444/2003**of 13 August 2003****on the issue of import licences for sheepmeat and goatmeat products under GATT-WTO non-country-specific tariff quotas for the third quarter of 2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EC) No 2467/98 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽²⁾, as last amended by Regulation (EC) No 272/2001 ⁽³⁾, and in particular Article 16(4) thereof,

Whereas:

- (1) Title II B of Regulation (EC) No 1439/95 contains detailed rules for the import and export of products in the sheepmeat and goatmeat sector with respect to the use of non-country-specific tariff quotas. Under Article 16(4) of Regulation (EC) No 1439/95, it is necessary to decide the extent to which import licences may be issued for applications lodged for the third quarter of 2003.
- (2) Under Article 15 of Regulation (EC) No 1439/95, the maximum quantity available for the third quarter of 2003 is one quarter of the total quota for the current year. Accordingly, the quantity available for the third quarter of 2003 is limited to 50 tonnes for quota No 09.4037 (countries in group 5) in the Annex to Commission Regulation (EC) No 2366/2002 of 27 December 2002 opening Community tariff quotas for 2003 for sheep, goats, sheepmeat and goatmeat ⁽⁴⁾, as last amended by Regulation (EC) No 915/2003 ⁽⁵⁾. If the quantities covered by licence applications exceed the tariff quota of 50 tonnes they will be reduced proportionately. Applications for a quantity of 50 tonnes were accepted in France and also in the Netherlands between

1 and 10 July 2003 for the importation of products originating in South Africa (group 5 of the Annex to Regulation (EC) No 2366/2002). No applications have been made for imports of products originating in countries listed in the other country groups in the Annex to Regulation (EC) No 2366/2002.

- (3) In view of the quantities available for the third quarter, the acceptance percentage should be 50 % for group 5.
- (4) The licences may be used only for products which comply with the veterinary rules in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

From a total of 50 tonnes available for the whole of the Community, France and the Netherlands may each hereby issue import licences as provided for in Title II B of Regulation (EC) No 1439/95 for a quantity of 25 tonnes in carcass weight equivalent of products originating in South Africa applied for under quota No 09.4037 (group 5), referred to in the Annex to Regulation (EC) No 2366/2002, where the applications have been lodged between 1 and 10 July 2003 for the third quarter of 2003.

The net weight authorised must be calculated in accordance with Article 5 of Regulation (EC) No 2366/2002.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 26 July 2003.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 August 2003.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 341, 22.12.2001, p. 3.

⁽²⁾ OJ L 143, 27.6.1995, p. 7.

⁽³⁾ OJ L 41, 10.2.2001, p. 3.

⁽⁴⁾ OJ L 351, 28.12.2002, p. 73.

⁽⁵⁾ OJ L 130, 27.5.2003, p. 5.

COMMISSION DIRECTIVE 2003/79/EC
of 13 August 2003
amending Council Directive 91/414/EEC to include *Coniothyrium minitans* as active substance
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2003/70/EC ⁽²⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC the German authorities received on 10 September 1997 an application from Prophyta GmbH, hereafter referred to as the applicant, for the inclusion of the active substance *Coniothyrium minitans* in Annex I to the Directive. Commission Decision 98/676/EC ⁽³⁾ confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (2) For this active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The nominated rapporteur Member State submitted a draft assessment report concerning the substance to the Commission on 13 March 2000.
- (3) The draft assessment report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 4 July 2003 in the format of the Commission review report for *Coniothyrium minitans*.
- (4) The review did not reveal any open questions or concerns, which would have required a consultation of the European Food Safety Authority.
- (5) It has appeared from the various examinations made that plant protection products containing *Coniothyrium minitans* may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC in the light of Article 5(3) thereof, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include this active substances in Annex I,

in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.

- (6) Although the Uniform Principles have still to be adopted for micro-organisms, it is appropriate that the Member States should apply the general provisions of Article 4 of the Directive when granting authorisations. It is appropriate to provide that the finalised review report, except for confidential information within the meaning of Article 14 of Directive 91/414/EEC, is kept available or made available by the Member States for consultation by any interested parties.
- (7) After inclusion, Member States should be allowed a reasonable period to implement the provisions of Directive 91/414/EEC as regards plant protection products containing *Coniothyrium minitans* and in particular to review existing provisional authorisations and, by the end of this period at the latest, to transform those authorisations into full authorisations, to amend them or to withdraw them in accordance with the provisions of Directive 91/414/EEC.
- (8) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 30 June 2004 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions from 1 July 2004.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 184, 23.7.2003, p. 9.

⁽³⁾ OJ L 317, 26.11.1998, p. 47.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall review the authorisation for each plant protection product containing *Coniothyrium minitans* to ensure that the conditions relating to this active substance set out in Annex I to Directive 91/414/EEC are complied with. Where necessary, they shall amend or withdraw authorisations in accordance with Directive 91/414/EEC by 30 June 2004 at the latest.

2. For each authorised plant protection product containing *Coniothyrium minitans* as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 December 2004 at the latest, Member States shall re-evaluate the product on the basis of a dossier satisfying the requirements of Annex III thereto. On the basis of that evaluation, they shall determine whether

the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC. Where necessary and by 30 June 2005 at the latest, they shall amend or withdraw the authorisation for each such plant protection product.

Article 4

This Directive shall enter into force on 1 January 2004.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 13 August 2003.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Annex I the following row is added at the end of the table.

No	Common name, identification Nos	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'71	<i>Coniothyrium minitans</i> Strain CON/M/91-08 (DSM 9660) CIPAC No 614	Not applicable	For details on purity and production control see Review Report	1 January 2004	31 December 2013	Only uses as fungicide may be authorised. When granting authorisations, the conclusions of the review report on <i>Coniothyrium minitans</i> , and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 4 July 2003 shall be taken into account. In this overall assessment: — Member States must pay particular attention to the operator and worker safety and must ensure that the conditions of authorisation include appropriate protec- tive measures.

⁽¹⁾ Further details on identity and specification of active substances are provided in the review report.'

II

(Acts whose publication is not obligatory)

ECONOMIC AND SOCIAL COMMITTEE

DECISION OF THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE of 1 July 2003 on public access to European Economic and Social Committee documents

(2003/603/EC)

THE SECRETARY-GENERAL,

Having regard to Article 255(2) and (3) of the Treaty establishing the European Community (TEC),

Having regard to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁽¹⁾,

Having regard to the European Economic and Social Committee (EESC) Rules of Procedure, in particular Rule 64 (1 and 2) thereof,

Having regard to the measures adopted by the European Parliament, the Council, the Commission and the Committee of the Regions on public access to official documents,

Whereas in the Joint Declaration on European Parliament and Council Regulation (EC) No 1049/2001 of 30 May 2001⁽²⁾ the European Parliament, the Council and the Commission request the other institutions to adopt internal rules regarding public access to documents, taking into account the principles and limits set out in this Regulation;

Having regard to the content of the EESC Bureau Decision of 27 May 1997 on public access to EESC documents⁽³⁾,

HEREBY DECIDES:

TITLE I

PUBLIC REGISTER OF EESC DOCUMENTS

Article 1

Scope

Any citizens of the Union and any natural or legal person residing or having its registered office in a Member State shall have a right of access to European Economic and Social Committee documents, subject to the principles, conditions and limits set out in Regulation (EC) No 1049/2001 and the specific provisions laid down in this Decision.

Article 2

Establishment

1. A public register of European Economic and Social Committee documents shall be established in accordance with Article 11 of European Parliament and Council Regulation (EC) No 1049/2001 of 30 May 2001.

2. The register thus created shall contain opinions adopted by the EESC and draft opinions adopted by the sections, as well as the documents listed in the Annex. It may also contain other decisions or documents produced by the Committee or references to documents drawn up or received by the institution as from 3 December 2001, the date from which Regulation (EC) No 1049/2001 is applicable.

3. The full texts of documents shall be published on the Committee's Internet site, subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data, and Article 16 of Regulation (EC) No 1049/2001.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

⁽²⁾ OJ L 173, 27.6.2001, p. 5.

⁽³⁾ OJ L 339, 10.12.1997, p. 18.

*Article 3***Registration of documents**

1. The documents listed in Article 2(2) shall be entered in the register as soon as possible. The General Affairs Directorate shall adopt the necessary internal implementing measures to ensure that this is done.
2. Documents drawn up under the consultative procedure or for the purpose of other Committee business shall be entered in the register as soon as they have been submitted or made public, under the responsibility of the body or directorate responsible for the document.
3. Any document received by the Committee from a third party within the meaning of Article 3 of Regulation (EC) No 1049/2001 may be entered in the register unless it is a sensitive document within the meaning of Article 9 of the above Regulation, for which compliance with the time limits prescribed in that Article is required.

*Article 4***Documents directly accessible**

1. All documents drawn up by the Committee under the consultative procedure must be accessible to citizens in electronic form, as far as possible, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.

TITLE II

INITIAL APPLICATION*Article 6***Submission of the initial application**

1. Applications for access to a document shall be sent in writing (by post, fax or electronic mail) to the Secretary-General of the Committee or to the open address given on the Committee's website, in one of the languages listed in Article 314 of the EC Treaty.
2. Applications shall be made in a sufficiently precise manner and in particular contain information enabling the document or documents requested to be identified and the name and address of the applicant.
3. If an application is not sufficiently precise, the Committee shall ask the applicant to clarify it and shall assist him or her in doing so; in this case, the deadline for reply shall apply from the date by which the Committee receives this information.
4. The applicant is not obliged to state the reasons for the application.

2. In this connection, the Committee will make all its opinions accessible through the register, to enable citizens to have direct access to the full text of documents.

3. The Committee will make this register electronically accessible on its Internet site and will provide on-line assistance to citizens concerning arrangements for submitting applications for access to documents.

4. Other documents, in particular more political or strategic documents, shall be made directly accessible as far as possible.

*Article 5***Documents accessible on request**

1. Documents drawn up by the EESC outside the consultative procedure, as well as other documents of interest received by the Committee shall, as far as possible, be directly accessible to citizens through the register, subject to the limits laid down in Articles 4 and 9 of Regulation (EC) No 1049/2001.
2. Where entry of a document in the register does not permit direct access to the full text, either because the document is not available in electronic form or because the exceptions provided for in Articles 4 and 9 of Regulation (EC) No 1049/2001 are applicable, the applicant may request access to the document in writing, or using the electronic form available on the website. The Committee may either grant access to the document or give the reasons for its total or partial refusal in writing.

*Article 7***Processing of the initial application**

1. An application for access to a document held by the Committee shall be processed on the same day as it is registered by the official mail/records service, which must acknowledge receipt of the application, draft a reply and deliver the document within the prescribed time limit.
2. When the application relates to a document drawn up by the Committee to which one of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001 is applicable, the mail/records service shall contact the service or body that is the originator of the document, which shall suggest the course of action to be taken within five working days.
3. When the doubt as to disclosure concerns documents from third parties, the Committee shall consult the latter giving them five working days in which to make their position known with a view to assessing whether one of the exceptions laid down in Article 4 and 9 of Regulation (EC) No 1049/2001 is applicable. If no reply is received within five working days, the Committee shall carry on with the procedure.

*Article 8***Deadline for reply**

1. Within a time limit of 15 working days from the registration of the application, the mail/records service shall grant access to the requested document and shall supply it within the same time limit.
2. Where the Committee is unable to grant access to the requested document, it shall notify the applicant in writing of the grounds for its total or partial refusal and inform the applicant of his or her right to make a confirmatory application.
3. In this case the applicant will have 15 working days from receiving the reply to make a confirmatory application.
4. In exceptional cases, where an application relates to a very long document or a large number of documents, the time limit provided for in paragraph 1 of this Article may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.

5. Failure by the Committee to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

*Article 9***Competent authorities**

1. Initial applications shall be handled by the mail/records service.
2. Favourable replies to initial applications shall be sent to the applicant by the director of the abovementioned service, who may delegate this responsibility.
3. Refusal of an initial application, with a statement of the reasons, shall be decided by the abovementioned director on a proposal from the mail/records service or from the body that is the originator of the document.
4. The director may, at any time, refer an application to the Legal Service and/or the officer responsible for data protection.

TITLE III

CONFIRMATORY APPLICATIONS AND REMEDIES

*Article 10***Submission of confirmatory applications**

1. Confirmatory applications shall be sent to the Committee in writing within 15 working days, either from receipt of the total or partial refusal of access to the document requested, or in the absence of any reply to the initial application.
2. Confirmatory applications must be made in accordance with the same formal requirements as for the initial application.

*Article 12***Competent authority**

1. The reply to any confirmatory application shall be a matter for the Secretary-General of the Committee, who may delegate this responsibility.
2. The Secretary-General may refer the matter to the Legal Service and/or the officer responsible for data protection, who shall give an opinion within three working days.

*Article 11***Processing and deadline for reply**

1. Confirmatory applications shall be processed in accordance with the provisions laid down in Article 7 of this Decision.
2. Within 15 working days of registration of the confirmatory application, the Committee shall either grant access to the document or notify the applicant in writing of the reasons for its total or partial refusal.
3. In exceptional cases, where an application relates to a very long document or a large number of documents, the time limit provided for in the previous paragraph may be extended by 15 working days, provided the applicant is notified in advance and that detailed reasons are given.

*Article 13***Remedies to the confirmatory application**

1. Where the EESC totally or partially refuses to grant access to a document, it shall inform the applicant of the remedies open to him or her, namely: instituting court proceedings against the institution and/or making a complaint to the Ombudsman under the conditions laid down in Articles 230 and 195 of the EC Treaty.
2. Failure to reply within the prescribed time limit is to be regarded as a negative response and will entitle the applicant to bring an action or complaint under the conditions set out in the previous paragraph.

TITLE IV

ISSUE OF DOCUMENTS AND COST OF THE REPLY

Article 14

Issue

1. Documents are to be supplied in the form of a copy, or in electronic format, with full regard to the applicant's preference.
2. If a document has already been released by the Committee or by another institution and is easily accessible, the Committee may facilitate access to the document by informing the applicant how to obtain the requested document.

Article 15

Cost of the reply

1. The cost of producing and sending copies may be charged to the applicant. This charge may not exceed the real cost of the operation.
2. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.

Article 16

Additional translation costs

Documents shall be provided in the available languages. The applicant may however ask for the document to be translated into another official language of the EU. In this case, the existing freelance rates applied by the Committee to external translations shall apply.

Article 17

Applications for very large documents

1. The issuing of documents exceeding 20 A4 pages shall be subject to a fee of EUR 10, plus EUR 0,03 per page.

2. The amount of this fee may be revised by a decision of the authority as laid down in Article 9(2).

3. Expenses relating to other means of transmission shall be decided by the competent authority as laid down in Article 9(2), but may not exceed the real cost of the operation.

4. In the event of repeated or successive applications concerning very long documents or a large number of documents, the Committee may confer with the applicant informally with a view to finding a solution.

5. Published documents are not covered by this Decision and shall continue to be subject to their own pricing system.

Article 18

Final provision

This Decision repeals the EESC Bureau Decision of 27 May 1997 on public access to Committee documents.

Article 19

Entry into force

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*. The Decision on establishing the register of documents shall take effect from 1 August 2003.

The Decision shall be enforced by the Director for General Affairs.

Done at Brussels, 1 July 2003.

Secretary-General

Patrick VENTURINI

ANNEX

List of EESC documents to be made accessible to the public through the register

Committee opinions
Section opinions
Brochures
Bulletins
Press releases
Record of proceedings of opinions adopted at plenary session
Information memos on own-initiative opinions
Information memos on new referrals
Information memos on information reports
Information memos for plenary sessions
Minutes of section meetings and plenary sessions
Activity reports
Information reports
Resolutions
